

REMARKS

In an Office Action dated 06 February 2008, all of pending claims 1-46 are rejected on prior art grounds. In reply, Applicant herein amends claims 1, 23, 25, 29, and 36, cancels claims 42-46, and submits the present remarks. Entry and consideration hereof are respectfully requested.

This Response is submitted subsequent to, and pursuant with, an in-person interview conducted between the Examiner and the undersigned Applicant's representative. In the interview, conducted on 13 May 2008, claims 1, 23, 25, 29, 36, and 42 were discussed along with the primary relied upon reference, US 6,393,618 to Garneau. Also, an exemplary model of the claimed invention was presented to the Examiner. At the interview, it was agreed that the "the Garneau reference does not specifically show an outer layer covering less than all of the inner layer", as is presently recited in the claims. See Interview Summary.

In view of the agreements reached at the Interview, the Examiner's various rejections are now addressed in turn.

Claims 1, 2, 5-7, 15, 16, 23, 24, 29, and 42 are rejected under 35 USC 102(b) as allegedly lacking novelty with respect to the above-mentioned Garneau patent. All of these claims generally recite a seat pad having an outer layer which covers less than all of an inner layer. As discussed above, it was agreed at the in-person interview that the Garneau reference does not provide this element. Accordingly, for at least this reason, the outstanding novelty rejections should be withdrawn.

Moreover, independent claims 1, 23, and 29 are herein amended to recite, "the inner layer and/or the middle layer delimits an outer perimeter of the seat pad; and wherein the outer layer covers less than all of the inner layer so as to be disposed out of contact with a portion of the outer perimeter." This new limitation is not taught or suggested by the Garneau patent. Instead, this patent teaches a seat pad 10 having a top layer 40, a

bottom layer 42, and an intermediate layer 38 disposed there between, where the top and bottom layers are stitched along a periphery thereof. Col. 3, lines 30-45. This can be particularly seen in Figure 1. Thus, clearly the Garneau patent does not provide a seat pad having an outer layer which covers less than all of an inner layer “so as to be disposed out of contact with a portion of the outer perimeter”, as is recited in the currently amended independent claims 1, 23, and 29. Accordingly, for at least this additional reason, independent claims 1, 23, and 29 are novel over Garneau. Furthermore, claims 2, 5-7, 15, 16, and 24 variously depend from these independent claims and are thus correspondingly novel with respect to the Garneau patent. Reconsideration and withdrawal of the relevant section 102 rejections is requested.

Claim 42 is herein cancelled, thus the respective section 102 rejection is moot.

Claims 3, 4, 8, 12, 13, 30, and 46 are rejected under 35 USC 103(a) as allegedly being obvious in view of the Garneau patent in view of U.S. Patent Application Publication No. 2003/0163076 to Lukens. These claims all variously depend from one of independent claims 1 and 30 and thus include the limitations discussed above which are not found in the Garneau patent. (Claim 46 is cancelled and thus the respective 103 rejection is moot.) Lukens does not remedy the deficiencies of Garneau in that Lukens fails to teach a seat pad having an outer layer which covers less than all of an inner layer so as to be disposed out of contact with a portion of an outer perimeter delimited by the inner layer, as is required by Applicant’s independent claims. Accordingly, claims 3, 4, 8, 12, 13, 30, and 46 are not rendered obvious by Garneau and/or Lukens; reconsideration and withdrawal of the relevant section 103 rejection is requested.

Claims 9-11, 25-28, and 36-41 are rejected under section 103 as being obvious over Garneau in view of Lukens and in further view of U.S. Patent No. 6,547,237 to Yates. All of these claims include the previously mentioned limitations or depend from claims which include such limitations. Thus, claims 9-11, 25-28, and 36-41 are non-obvious in view of Garneau, Lukens, and Yates.

Claims 14, 17-22, and 32-35 are rejection under section 103 in view of Garneau. These claims depend from or are independent claims which include the limitations discussed herein which are not taught or suggested by the Garneau patent. Accordingly, these claims are non-obvious.

Finally, claims 43-45 are rejected under section 103 as allegedly being obvious over Garneau in view of U.S. Patent No. 5,637,389 to Colvin. These claims are herein cancelled, thus the relevant rejections are moot.

Accordingly, all of remaining claims 1-41 are novel and non-obvious and are thus allowable to Applicant; reconsideration and withdrawal of the present rejections and prompt issuance of a Notice of Allowance are requested.

Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time necessary for entry and consideration of the present Response. The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Response or otherwise concerning the present application. Please charge any required fees for this Response, or otherwise concerning the present application, to Deposit Account No. 06-1130 maintained by Applicant's attorney.

Respectfully submitted,

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